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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,123	03/27/2001	Katsuki Hazama	1737/00014	1669
30678	7590	02/22/2006	EXAMINER	
CONNOLLY BOVE LODGE & HUTZ LLP			MOSSER, ROBERT E	
SUITE 800			ART UNIT	
1990 M STREET NW			PAPER NUMBER	
WASHINGTON, DC 20036-3425			3713	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/817,123	Applicant(s) HAZAMA, KATSUKI	
	Examiner Robert Mosser	Art Unit 3713	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED February 2nd 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation sheet attached.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.

Continuation of Item 11.

Applicant generally argues the examiner has failed to establish a prima facie case of obviousness based on not fully addressing the claim limitation of

“means for notifying the first control device that the received driving electrical power has reached a predetermined quantity of electrical power”

The presented claim limitation has been previously been addressed in at least the most recent Office action preceding the Applicant's request for reconsideration and is maintained as previously presented. However in interest of furthering prosecution and further drawing light to the breath of the presented claim limitation the following explanation is provided.

On pages 6 through 7 of the request for reconsideration the Applicant contends that the resonance circuit of Gilboa is merely a simple LC circuit that would in turn respond to a variety of different levels of received electrical power. It is noted that even under such an interpretation that “a variety of different levels of received electrical power” (Ex 0mw-1000MW) would indeed constitute the claimed “a predetermined quantity of electrical power” and more over that the smallest perceivable amount of electrical power from “a variety of different levels of received electrical power”, (Ex 1mw) when considered solely would constitute “a predetermined quantity of electrical power” in so much as it were to enable the system of Gilboa to function as so described by Gilboa.

On page 7 of the request for reconsideration the Applicant contends that the previous point is supported by an embodiment of Gilboa wherein the game board individually determines the signal power from each game piece. Respectfully the Applicant's point here is unclear as the Applicant's limitation in no way address the method of notification, the manner of signal detection, and so forth. The claim limitation merely provides for a means to notify a first control device of sufficient received power. The respective portion of Gilboa's disclosure teaches a resonance circuit as set forth in the previous action that receives power and responsive thereto provides a response detectable by the first control (game board of Gilboa).

On page 7 of the request for reconsideration the Applicant contends that " each piece of Gilboa responds differently" and hence is different then the Applicant's invention which provides a response based on a "predetermined" quantity of electrical power and notifying the controller after reaching this level of power. In response any "level of power" that allows the claimed notification of the "first controller" is a predetermined level based on the electrical transmission characteristics between the data carrier and the control device. As the Applicant would also seem to be contending that their "predetermined" amount of electrical power is fixed to a singular numeric value, their claim language does not support this interpretation. Additionally the claim language by no means would limit the transmission of the notification signal at ranges outside of the predetermined range as all presented claims include the term "comprising".

On page 7 of the request for reconsideration the Applicant contends that the combination of embodiments would be non-functional when combined based that such a combination could "clearly not retain sufficient energy to power a transmitter or memory". Though not presently relied upon it would seem that that references dating back as far as 1967 such as Vinding (US 3,299,424) and 1989 Murdoch (US 5,153,583) wherein the later is noted for the section entitled "Background of the Invention" as well as the disclosure in it's entirety would clearly refute any holding challenging the expectation of functionality in the combination previously presented through the respective teaching regarding the precise combination. Hence there has been no reliance on impermissible hindsight, as so suggested by the applicant nor is there any basis that would support the necessity of battery power source "implicitly" for the presented combination as so alleged by the Applicant.

On page 7 of the request for reconsideration the Applicant contends that GB 2103943 fails to demonstrate an interruption of a radio wave transmission for a predetermined amount of time. In figure three, element (a) of GB 2103943 demonstrated a transmission signal noted as being elevated then terminated or interrupted as the signal dissipated to a base level with the process described on pages 1 and 4 of GB 2103943 for the predetermined amount of time (the time until the next current pulse such as would be required to update the positions of the chess pieces during play).

The remainder statements, on pages 8 through 12 of the request for reconsideration by Applicant, continue challenge the Examiner's position and further

Art Unit: 3713

Applicant's above refuted conclusions. As remaining arguments are not support by the presented claim language, the art of record as applied, or the rejections pending in this application addressed at least above they fall for the same reasons as set forth in this paper as well as the previously set forth in the Final office action of November 2nd, 2005.



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TC 3700